

REMARKS

The present communication is submitted in response to the Office Action dated July 24, 2009, in which a shortened statutory period for reply was set for one-month, in connection with the above-referenced application. In view of the following remarks, reconsideration of the restriction is respectfully requested.

In the Office Action, the claims have been restricted between the following distinct species of the invention as follows:

Species I: Claim 30, drawn to a method wherein said mixture of peptides is administered to prevent and/or reduce effects of alcohol consumption in a subject in need thereof;

Species II: Claim 31, drawn to a method wherein said mixture of peptides is administered to prevent and/or reduce a hangover;

Species III: Claim 32, drawn to a method wherein said mixture of peptides is administered to prevent and/or reduce face flushing;

Species IV: Claim 33, drawn to a method wherein said mixture of peptides is administered to boost vitality;

Species V: Claim 34, drawn to a method wherein said mixture of peptides is administered to prevent and/or reduce fatigue;

Species VI: Claim 35, drawn to a method wherein said mixture of peptides is administered to improve sleeping;

Species VII: Claim 36, drawn to a method wherein said mixture of peptides is administered to prevent development of non-insulin dependent diabetes;

Species VIII: Claim 37, drawn to a method wherein said mixture of peptides is administered to prevent and/or reduce the development of cardiovascular diseases such as atheroscleropathy;

Species IX: Claim 38, drawn to a method wherein said mixture of peptides is administered to lower blood pressure;

Species X: Claim 39, drawn to a method wherein said mixture of peptides is administered to prevent and/or treat drug-induced toxicity;

Species XI: Claim 40, drawn to a method wherein said mixture of peptides is administered to lighten skin;

Species XII: Claim 41, drawn to a method wherein said mixture of peptides is administered to reduce inflammation;

Species XIII: Claim 42, drawn to a method of forming the peptide.

Claim 29 has been deemed generic in the Office Action. The Applicants hereby elect Species I, claim 30, drawn to a method wherein said mixture of peptides is administered to prevent and/or reduce effects of alcohol consumption in a subject in need thereof. The election is made with traverse for the reasons set forth below.

Restriction Between the Inventions of Species I-XIII

The Examiner asserts that the inventions of Species I-XIII are distinct because they do not relate to a single general inventive concept under PCT Rule 13.1 because the “special technical feature” does not define a contribution over United States Patent Application Publication No. 2002/0090670 to Mallee.

Applicants contend that there is unity of invention with regard to Species I (claim 30), Species II (claim 31), Species III (claim 32), Species V (claim 34), and Species X (claim 39). Specifically, Applicants assert that each of the conditions treated in Species I, Species II, Species III, Species V, and Species X, are conditions associated with liver function and are supported by thiol redox equilibrium (see the specification, e.g., par. [0003], par. [0026] and par. [0017] and Example 8). Therefore, because each of these conditions are associated with liver function and are supported by thiol redox equilibrium there is unity of invention with regard to Species I, Species II, Species III, Species V, and Species X. Accordingly, withdrawal of the restriction requirement between Species I, Species II, Species III, Species V, and Species X is respectfully requested.

Additionally, Applicants contend that no serious burden exists on the Examiner by examining the claims of Species I-XIII in a single application. When searching and examining the Species I claim (i.e., a method wherein said mixture of peptides is

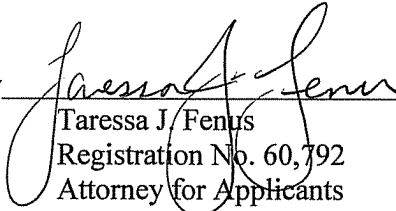
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administered to prevent and/or reduce a hangover), the Examiner will also encounter subject matter set forth in the claims of Species II-Species XIII. In view of the above comments, it is Applicants position that no serious burden exists on the Examiner by examining the claims of Species I-XIII in a single invention. Accordingly, withdrawal of the restriction requirement between Species I-XIII is respectfully requested.

Should the Examiner have any questions regarding this information, the Examiner is invited to contact the Applicants undersigned representative by telephone at 412-471-8815.

Respectfully submitted,
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